

MINUTES
REGULAR MEETING OF THE CITY COUNCIL
CITY OF MEMPHIS
February 23, 2010

3:30 P.M. SCHEDULED SESSION

3:30 P.M. MEETING COMMENCED

ROLL CALL: William Boyd, Joe Brown, Shea Flinn, Edmund Ford, Jr., Janis Fullilove, Wanda Halbert, Reid Hedgepeth, Myron Lowery, Bill Morrison, Jim Strickland, Barbara Swearengen Ware and Chairman Harold Collins. Kemp Conrad was absent.

**THE MEETING WAS CALLED TO ORDER
BY SERGEANT-AT-ARMS**

INVOCATION

The meeting was opened with prayer by Councilwoman Janis Fullilove.

These minutes record the agenda items and the action taken by the Council on such items. The full text of the original of the ordinances, resolutions and supporting documents, including an audio recording of Council's deliberations are filed and maintained in the office of Council Records/Records Management, Room 2B-08. The original ordinances and/or resolutions adopted by the Council shall control in the event of any conflict between the description in these minutes and the original documents, ordinances and/or resolutions.

MINUTES

MOTION: Brown – Pull Item #12, False Alarms, Ord. #5328, from the Minutes and send back to Committee for discussion
SECOND: Halbert

Council Chairman Collins ruled Councilman Brown's motion out of order because his vote was not on the prevailing side

Approval of the Minutes of the regular meeting of February 9, 2010 with the following motion:

MOTION: Ford
SECOND: Boyd

AYES: Boyd, Brown, Flinn, Ford, Fullilove, Halbert, Hedgepeth, Lowery, Morrison, Strickland, Ware and Chairman Collins
Conrad was absent

3. **ORDINANCE REZONING THE NORTHWEST CORNER OF NORTH BELLEVUE AND SMITH AVENUE, CONTAINING 0.26(11,325.60 SQ. FT.) IN THE LOCAL COMMERCIAL (C-L) DISTRICT, UP FOR T H I R D AND F I N A L READING.** (Held from 1/26)

Ordinance No. 5342
Case No. Z 09-107

Held to March 23, 2010

27. **ORDINANCE TO AMEND CABLE FRANCHISE ORDINANCE NO. 4159, EXTENDING THE FRANCHISE ORDINANCE AS AMENDED, UP FOR T H I R D AND F I N A L READING.** (Held from 12/1; 12/15; 1/26)

Ordinance No. 5331

Held to March 23, 2010

1. **RESOLUTION HONORING THE STONE AWARDS EVENT AND ITS POSITIVE IMPACT IN THE COMMUNITY.** (Held from 2/9)

MOTION: Ford
SECOND: Fullilove

APPROVED, by unanimous voice vote

2. **RESOLUTION HONORING NORA BOONE, AN UNSUNG HEROINE, FOR HER MANY OUTSTANDING WORKS IN THE MEMPHIS COMMUNITY.**

MOTION: Fullilove
SECOND: Ware

APPROVED, by unanimous voice vote

40. **RECOGNITION OF “HOW SWEET THE SOUNDS” SPONSORS AND WINNERS.**

MOTION: Ware
SECOND: Fullilove

APPROVED, by unanimous voice vote

36. **RESOLUTION AMENDING FY 2010 OPERATING BUDGET BY APPROPRIATING \$2,000,000.00 (TWO MILLION DOLLARS) TO THE MED FOR A ONE TIME EMERGENCY GRANT TO ENSURE THIS INSTITUTION CONTINUES TO OPERATE.** (Held from 2/9).

Chairman Collins recognized the following person who spoke from the audience:

Georgia King, 741 Adams, Apt. #101 Mphs, TN 38105

Friendly Amendment: Give the MED the \$2,000,000.00 contingent upon the them getting State funding

MOTION: Hedgepeth

Councilman Brown did not accept Councilman Hedgepeth's friendly amendment

Friendly Amendment: Hold to the first meeting in April

MOTION: Ware

Councilman Brown accepted Councilwoman Ware's friendly amendment. This item will be held to April 13, 2010

MOTION: Strickland - Take 30 million from reserves, 10 million in cuts from the City's budget and 10 million credit from Memphis City Schools Energy Modification Loan, not contingent upon what they owe us

SECOND: Boyd

AYES: Boyd, Flinn, Morrison, Strickland and Chairman Collins

NAYS: Brown, Fullilove, Hedgepeth and Ware
Ford recused
Halbert and Lowery did not cast a vote
Conrad was absent

APPROVED, set up as Special Item #1

CONSENT AGENDA – Items 4-9 & 39 may be acted upon by one motion: SEE PAGE 1402 FOR ROLL CALL

4. **ORDINANCE AMENDING CHAPTER 2 CODE OF ORDINANCES, CITY OF MEMPHIS, TO AMEND CERTAIN SECTIONS OF 2-291 RELATING TO REAL PROPERTY, UP FOR F I R S T READING.**

Ordinance No. 5346

APPROVED, on First reading

5. **REFERENDUM ORDINANCE AMENDING ARTICLE 27, SECTION 190 OF THE CHARTER OF THE CITY OF MEMPHIS, SAME BEING CHAPTER 11 OF THE ACTS OF 1879, PURSUANT TO THE PROVISIONS OF ARTICLE 11, SECTION 9 OF THE CONSTITUTION OF THE STATE OF TENNESSEE HOME RULE AMENDMENT SO AS TO REQUIRE ALL PERSONS EMPLOYED BY THE CITY OF MEMPHIS, TO LIVE WITHIN SHELBY COUNTY, TENNESSEE, UP FOR S E C O N D READING.**

Ordinance No. 5345

APPROVED, on Second reading

6. **RESOLUTION APPROVING FINAL PLAT OF KIRBY GATE NORTHWEST PD, AREA 'A', PHASE I.**

Case No. PD 07-331

Contract No. CR-5153

Resolution approves the final plat located on the eastside of Quince Road, north of Kirby Gate Blvd. Cost of the required improvements to be borne by the Developer. Resolution also authorizes the proper officials to execute the attached standard improvement contract.

City Engineer recommends approval

APPROVED

7. **RESOLUTION ACCEPTING RIDGEWAY CENTER EAST PD, PHASE 4, AND AUTHORIZING RELEASE OF BOND.**

Case No. PD 96-366

(Contract No. CR-5013)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located on the southwest corner of Briarcrest Avenue and Shady Grove Road. The standard improvement contract was approved on June 6, 2006. Resolution also authorizes the release of the letter of credit in the amount of \$128,600.00.

City Engineer recommends approval

APPROVED

8. **RESOLUTION ACCEPTING RIDGEWAY CENTER EAST PD, PHASE 6, AND AUTHORIZING RELEASE OF BOND.**

Case No. PD 96-366

(Contract No. CR-5014)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located on the west side of Shady Grove Road, south of Briarcrest Avenue. The standard improvement contract was approved on June 6, 2005.

Resolution also authorizes the release of the letter of credit in the amount of \$145,900.00.

City Engineer recommends approval

APPROVED

9. **RESOLUTION DESIGNATING MARCH 2010 AS NATIONAL DISABILITY AWARENESS MONTH.**

APPROVED

39. **REFERENDUM ORDINANCE TO AMEND THE CHARTER OF THE CITY OF MEMPHIS, SAME BEING CHAPTER 11 OF THE ACTS OF 1879, AS AMENDED, PURSUANT TO THE PROVISIONS OF ARTICLE 11, SECTION 9 OF THE CONSTITUTION OF THE STATE OF TENNESSEE (HOME RULE AMENDMENT) SO AS TO REPEAL THE PROCEDURE STAGGERED TERMS AND TO PROVIDE FOR THE ELECTION OF THE MEMPHIS CITY COUNCIL, OFFICE OF THE MAYOR AND CITY COURT CLERK, TO FOUR-YEAR TERMS, UP FOR F I R S T READING.**

Ordinance No. 5347

APPROVED, on First reading

ROLL CALL CONSENT ITEMS

MOTION: Ford
SECOND: Boyd
AYES: Boyd, Brown, Flinn, Ford, Fullilove, Halbert, Morrison, Strickland, Ware and
Chairman Collins
Hedgepeth and Lowery did not cast a vote
Conrad was absent

APPROVED

MLGW FISCAL CONSENT – Items 10-25 may be acted upon by one motion:

10. **RESOLUTION AWARDED CONTRACT NO. 11351, TITLE FLEXIBLE SPENDING ADMINISTRATOR, TO FRINGE BENEFITS MANAGEMENT COMPANY IN THE FUNDED AMOUNT OF \$75,000.00.**

APPROVED

11. **RESOLUTION AWARDED CONTRACT NO. 11378, RISK MANAGEMENT BROKER, TO MARSH IN THE FUNDED AMOUNT OF \$550,000.00.**

APPROVED

12. **RESOLUTION AWARDING CONTRACT NO. 11384, RISK MANAGEMENT/INSURANCE CONSULTANT, TO MARSH IN THE FUNDED AMOUNT OF \$140,500.00.**

APPROVED

13. **RESOLUTION APPROVING CHANGE NO. 3 TO CONTRACT NO. 11261, COMMERCIAL AUTO INSURANCE, WITH PETE MITCHELL & ASSOCIATES, INC. IN THE FUNDED AMOUNT OF \$93,017.00. (THIS CHANGE RENEWS THE CONTRACT FOR THE SECOND OF FOUR RENEWAL TERMS, MARCH 14, 2010 TO MARCH 13, 2011, WITH A 3.64% INCREASE DUE TO THE INCREASE IN THE NUMBER OF INSURED VEHICLES FROM 62 TO 68).**

APPROVED

14. **RESOLUTION AWARDING CONTRACT NO. 11394, MASTER TRUST/CUSTODY SERVICES FOR THE RETIREMENT FUND, TO THE NORTHERN TRUST COMPANY.**

APPROVED

15. **RESOLUTION AWARDING CONTRACT NO. 11407, MASTER TRUST/CUSTODY SERVICES FOR THE COMMON FUND, TO THE NORTHERN TRUST COMPANY.**

APPROVED

16. **RESOLUTION AWARDING CONTRACT NO. 11408, MASTER TRUST/CUSTODY SERVICES FOR THE OTHER POST EMPLOYMENT BENEFITS (OPEB) TRUST FUND, TO THE NORTHERN TRUST COMPANY.**

APPROVED

17. **RESOLUTION APPROVING CHANGE NO. 1 TO CONTRACT NO. 11213, METER DATA MANAGEMENT SYSTEM, WITH ITRON, INC. IN THE FUNDED AMOUNT OF \$15,200.00, FOR A NEW CONTRACT VALUE OF \$490,853.30. (THIS CHANGE COVERS COST OF INTERFACING NEW METERS WITH THE EXISTING SYSTEM).**

APPROVED

18. **RESOLUTION APPROVING CONTRACT FOR ANSI REGULATORS TO TRI-STATE METER AND REGULATOR IN THE AMOUNT OF \$37,885.00.**

APPROVED

19. **RESOLUTION RENEWING PURCHASE ORDER NO. 135584 FOR THE THIRD AND FINAL 12-MONTH RENEWAL PERIOD, MARCH 10, 2010 THROUGH MARCH 9, 2011, WITH MERCURY INSTRUMENTS, INC. FOR ELECTRONIC VOLUME CORRECTING DEVICES IN THE AMOUNT OF \$224,900.00.**

APPROVED

20. **RESOLUTION AWARDED CONTRACT FOR NETWORK GRID ISOLATION SWITCHES TO EATON CORPORATION C/O ACF ASSOCIATES IN THE AMOUNT OF \$425,550.00.**

APPROVED

21. **RESOLUTION AWARDED 12-MONTH CONTRACT FOR SODIUM HEXAMETAPHOSPHATE TO SHANNON CHEMICAL CORP. IN THE AMOUNT OF \$563,940.00.**

APPROVED

22. **RESOLUTION APPROVING EXERCISE OF OPTION TO EXTEND CONTRACT WITH TECH PLUS, INC. FOR AN ADDITIONAL 12-MONTH PERIOD FOR THE RENTAL OF WIDE FORMAT COPIER/PLOTTER/SCANNER DEVICES IN THE AMOUNT OF \$111,512.00.**

APPROVED

23. **RESOLUTION APPROVING PAYMENT OF ANNUAL PIPELINE SAFETY INSPECTION FEE TO TENNESSEE REGULATORY AUTHORITY IN THE AMOUNT OF \$78,000.00.**

APPROVED

24. **RESOLUTION APPROVING PAYMENT OF 2010 ANNUAL MEMBERSHIP DUES TO TENNESSEE VALLEY PUBLIC POWER ASSOCIATION IN THE AMOUNT OF \$50,645.26.**

APPROVED

25. **RESOLUTION APPROVING RENEWAL OF COOPERATIVE AGREEMENT NO. 5447, INVESTIGATION OF WATER RESOURCES, WITH THE U. S. DEPARTMENT OF THE INTERIOR GEOLOGICAL SURVEY FOR THE PERIOD JANUARY 1, 2010 TO SEPTEMBER 30, 2010, IN THE AMOUNT OF \$57,000.00. (MLGW TO PROVIDE \$57,000.00 AND THE U.S. DEPARTMENT OF THE INTERIOR GEOLOGICAL SURVEY TO PROVIDE \$57,000.00).**

APPROVED

MLGW ROLL CALL CONSENT ITEMS

MOTION: Fullilove
SECOND: Ware
AYES: Boyd, Flinn, Fullilove, Halbert, Hedgepeth, Morrison, Strickland, Ware and
Chairman Collins
Brown, Ford and Lowery did not cast a vote
Conrad was absent

APPROVED26. **APPOINTMENT****Memphis Area Transit Authority**Appointment

Sheila Redick

MOTION: Strickland
SECOND: Flinn
AYES: Boyd, Brown, Flinn, Fullilove, Halbert, Hedgepeth, Morrison, Ware and
Chairman Collins
Ford, Lowery and Strickland did not cast a vote
Conrad was absent

APPROVED28. **ORDINANCE TO AMEND THE CODE OF ETHICS ORDINANCE 5206, CHAPTER 2.5,
ARTICLE I, SECTION 2-10-5 (1), UP FOR T H I R D AND F I N A L READING.**

Ordinance No. 5344

MOTION: Strickland
SECOND: Boyd
AYES: Boyd, Brown, Flinn, Fullilove, Halbert, Hedgepeth, Morrison, Strickland, Ware
and Chairman Collins
Ford and Lowery did not cast a vote
Conrad was absent

APPROVED29. **RESOLUTION ACCEPTING GRANT FUNDS IN THE AMOUNT OF TWO MILLION,
FOUR HUNDRED ONE THOUSAND, TWO HUNDRED FORTY TWO DOLLARS,
EIGHTY CENTS (\$2,401,242.80) FROM THE STATE OF TENNESSEE DEPARTMENT
OF LABOR AND WORKFORCE DEVELOPMENT DIVISION FOR WIA TITLE ONE
ADULT AND ADMINISTRATION FUNDS. RESOLUTION ALSO AMENDS FY 2010
OPERATING BUDGET TO ESTABLISH AND APPROPRIATE GRANT FUNDS.**

MOTION: Halbert
SECOND: Morrison
AYES: Boyd, Brown, Flinn, Fullilove, Halbert, Hedgepeth, Morrison, Strickland, Ware
and Chairman Collins
Ford and Lowery did not cast a vote
Conrad was absent

APPROVED

30. **RESOLUTION ACCEPTING GRANT FUNDS IN THE AMOUNT OF ONE MILLION, EIGHT HUNDRED EIGHTY SEVEN THOUSAND, NINE HUNDRED EIGHTEEN DOLLARS, SEVENTY FIVE CENTS (\$1,887,918.75) FROM THE STATE OF TENNESSEE DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT DIVISION OF WIA TITLE ONE DISLOCATED WORKER AND ADMINISTRATION FUNDS. RESOLUTION ALSO AMENDS FY 2010 OPERATING BUDGET TO ESTABLISH AND APPROPRIATE GRANT FUNDS.**

MOTION: Halbert
SECOND: Boyd
AYES: Boyd, Brown, Flinn, Fullilove, Halbert, Morrison, Strickland, Ware and
Chairman Collins
Ford, Hedgepeth and Lowery did not cast a vote
Conrad was absent

APPROVED

31. **RESOLUTION APPROPRIATING FUNDS IN THE AMOUNT OF \$700,000.00 FOR THE URBAN ART COMMISSION GATEWAY PROJECTS.**

MOTION: Flinn
SECOND: Strickland
AYES: Boyd, Brown, Flinn, Fullilove, Halbert, Hedgepeth, Morrison, Strickland, Ware
and Chairman Collins
Ford and Lowery did not cast a vote
Conrad was absent

APPROVED

32. **RESOLUTION APPROVING THE COMPLETION OF PLANS AND SPECIFICATIONS AND TAKING OF BIDS FOR WOLF RIVER GREENWAY IMPROVEMENTS – PHASE THREE, CIP PROJECT NUMBER PK07012, AT AN ESTIMATED CONSTRUCTION COST OF \$1,232,000.00 FUNDED BY G.O. BONDS – GENERAL.**

MOTION: Boyd
SECOND: Morrison
AYES: Boyd, Brown, Fullilove, Halbert, Hedgepeth, Morrison, Strickland, Ware and

Chairman Collins
Flinn, Ford and Lowery did not cast a vote
Conrad was absent

APPROVED

33. **RESOLUTION AMENDING THE FY2010 OPERATING BUDGET BY APPROVING ACCEPTANCE OF \$59,775.00 FROM THE STATE OF TENNESSEE FOR SERVICES PROVIDED BY THE MEMPHIS SEXUAL ASSAULT RESOURCE CENTER WHILE THE AGENCY WAS A SERVICE DEPARTMENT OF THE CITY OF MEMPHIS, AND APPROPRIATING SAID FUNDS IN THE AMOUNT OF \$52,000.00.**

MOTION: Ware
SECOND: Flinn
AYES: Boyd, Brown, Flinn, Fullilove, Halbert, Hedgepeth, Morrison, Strickland, Ware and Chairman Collins
Ford and Lowery did not cast a vote
Conrad was absent

APPROVED

34. **RESOLUTION APPROVING THE APPROPRIATION OF \$60,000.00 FOR FURNITURE, FIXTURES, & EQUIPMENT FOR THE MOTOR VEHICLE INSPECTION STATION, CIP PROJECT NUMBER PS01009, AS PART OF THE FY10 CAPITAL IMPROVEMENT PROGRAM FUNDED BY LOCAL OTHER CIP AND G.O. BONDS.**

MOTION: Ware
SECOND: Boyd
AYES: Boyd, Brown, Flinn, Fullilove, Halbert, Hedgepeth, Morrison, Strickland, Ware and Chairman Collins
Ford and Lowery did not cast a vote
Conrad was absent

APPROVED

35. **RESOLUTION APPROVING THE APPROPRIATION OF \$374,500.00 FOR INFORMATION TECHNOLOGY FOR THE MOTOR VEHICLE INSPECTION STATION, CIP PROJECT NUMBER PS01009, AS PART OF THE FY10 CAPITAL IMPROVEMENT PROGRAM FUNDED BY LOCAL OTHER CIP AND G.O. BONDS.**

MOTION: Ware
SECOND: Boyd
AYES: Boyd, Brown, Flinn, Fullilove, Halbert, Morrison, Strickland, Ware and Chairman Collins
Ford, Hedgepeth and Lowery did not cast a vote

Conrad was absent

APPROVED

37. **RESOLUTION AMENDING THE FISCAL YEAR 2010 BUDGET TO MOVE APPROPRIATIONS BETWEEN CATEGORIES, SERVICE CENTERS AND APPROVED ADDITIONAL FUNDING FROM RESERVES AS A RESULT OF UNANTICIPATED CIRCUMSTANCES.**

MOTION: Morrison
SECOND: Strickland
AYES: Boyd, Brown, Flinn, Fullilove, Halbert, Morrison, Strickland, Ware and Chairman Collins
Ford, Hedgepeth and Lowery did not cast a vote
Conrad was absent

APPROVED, as amended

38. **RESOLUTION TO INCREASE THE COMPLEMENT OF THE APPOINTED POSITIONS OF COLONELS IN THE POLICE DIVISION FROM TEN (10) TO TWELVE (12).**

Chairman Collins recognized the following person who spoke from the audience:

J.D. Sewell, 638 Jefferson, Mphs, TN 38105

MOTION: Strickland
SECOND: Flinn
AYES: Boyd, Brown, Flinn, Fullilove, Morrison, Strickland, Ware and Chairman Collins
Ford, Halbert, Hedgepeth and Lowery did not cast a vote
Conrad was absent

APPROVED

MINUTES

Approval of the Minutes of the regular meeting of February 9, 2010 for items 29, 30, 37 & 38 with the following motion:

MOTION: Ware
SECOND: Brown
AYES: Boyd, Brown, Flinn, Fullilove, Strickland, Ware and Chairman Collins
Ford, Halbert, Hedgepeth, Lowery and Morrison did not cast a vote
Conrad was absent

APPROVED, set up as Special Item #2

INTRODUCTION OF ITEMS ON MATTERS BY THE GENERAL PUBLIC:

Chairman Collins recognized the following persons who spoke from the audience:

Leo Awgowhat, 3584 Vanyus, Mphs, TN 38111
Walter Broady, III, 4256 Ledbetter Cove, Mphs, TN 38109
Chris Caldwell, 244 Angelus, Mphs, TN 38112
Charlotte Garcia, 1386 Faxon, Mphs, TN 38104
Danny R. Reynolds, 2576 Sunnyside Dr., Brighton, TN 38011
Rosemary Winters, 1253 S. Barksdale St., Mphs, TN 38114

ADJOURNED MEETING AT 6:50 P.M.

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Upon statement of the Chairman, without objection, the meeting was adjourned, subject to the call of the Chairman.

C H A I R M A N

Attest:

Deputy Comptroller/Council Records